In re Application of: VERRALL et al.

Serial No.: 10/790,690

Group Art Unit: 1772

Filed: 3/3/04

Examiner: unassigned

For: OPTICAL RETARDATION FILM

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## Timing and Fees

<b>X</b>		37 C.F.R. § 1.97(b), no fee or statement is required for filing this information sure statement is filed:			
			three months of the filing date of a national application other than a CPA § 1.53(d);		
			three months of the actual filing date of the national phase of a PCT ation; OR		
	$\boxtimes$	before the mailing of a first substantive office action (including after filing of a RCE).			
			.R. § 1.97(c), this information disclosure statement is filed after the periods 7 C.F.R. § 1.97(b), but before the mailing date of:		
			a final rejection under 37 C.F.R. 1.113;		
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR		
			a notice of allowance under 37 C.F.R. § 1.311; and		

		is accompanied by:		
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR	
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).	
			R. § 1.97(d), this information disclosure statement is filed after the mailing llowing actions which have not been withdrawn:	
			a final action under 37 C.F.R. § 1.113;	
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR	
			a notice of allowance under 37 C.F.R. § 1.311;	
	AND	is filed	on or before payment of the issue fee; AND is accompanied by:	
			the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).	
Staten	nents U	nder 37	C.F.R. 1.97(e)	
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or	
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.	
Cited Materials				
	$\boxtimes$	Copies	s of U.S. Patents listed but not attached.	
			s of materials listed but not attached were cited in an international search dated	
	$\boxtimes$	Copies	s of the materials listed are attached (except for the foregoing).	

Non-L	lon-English Language References					
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).  A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:				
		X = Y =	document of particular relevance when it is taken alone document of particular relevance when it is combined with another such document			
		A =	document defining the general state of the art			
		O = P =	non-written disclosure intercalated document			
		T =	document cited to understand the theory or principle underlying the invention			
		E =	patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date			
		D =	cited in the application			
		$\Gamma =$	cited for another reason			
		& =	publication of member of same patent family			
		Transl	ation of other relevant information on foreign search report			
		[insert necessary translation here]				
Other	Informa	ation				
Payme	ent of Fe	ees Due	(If Any):			
	A check for \$ covering the fee identified above is attached.					
	Please	charge	to Deposit Account No. 13-3402 \$ for the fee identified above.			

 $\boxtimes$ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted?

James E. Ruland, Reg. No. 37,432 Attorney/Agent for Applicants

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Attorney Docket No.: MERCK-1972-D02

Date: December 1, 2004

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Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO				Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/790,690	
			CLOSURE	Filing Date	March 3, 2004	
			PPLICANT	First Named Inventor	Mark VERRALL et al.	
				Group Art Unit	1772	
	(use as many shee	ets as	necessary)	Examiner Name	unassigned	
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Attorney Docket Number | MERCK-1972-D02 U.S. PATENT DOCUMENTS AND THE PROPER U.S. Patent Document Name of Patentee or Applicant Date of Publication of Pages, Columns, Lines, Where Relevant Passages or Relevant Cite No.1 of Cited Document Cited Document Number Figures Appear MM-DD-YYYY (if known) **A1** 6,262,788 Hanrahan et al. 07-17-2001 A2 6,669,865 Coates et al. 12-30-2003 А3 6.544,605 Verrall et al. 04-08-2003 **FOREIGN PATENT DOCUMENTS** Foreign Patent Document Pages, Columns, Lines, Name of Patentee Date of Publication of Cite Examiner Where Relevant or Applicant of Cited Document Initials\* Kind Code5 No. Passages or Relevant Office<sup>3</sup> Number<sup>2</sup> Cited Document MM-DD-YYYY (if known)  $T_6$ Figures Appear NON PATENT LITERATURE DOCUMENTS Examiner Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, Initials \* Cite No.1 journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published T 2 **B1** Email from Examiner Sow-Fun Hon in Application No. 09/859,482, filed 18 May 2001.

	Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \* For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \* Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \* Applicant is to place a check mark here if English language Translation is attached.